

AMENDED IN SENATE MAY 3, 2006  
AMENDED IN SENATE MARCH 28, 2006

**SENATE BILL**

**No. 1722**

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**Introduced by Senators Cox and Florez**

February 24, 2006

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An act to amend Section 2910.5 of the Penal Code, relating to community correctional facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1722, as amended, Cox. Community correctional facilities.

Existing law authorizes the Secretary of the Department of Corrections and Rehabilitation to enter a long-term agreement of up to 20 years with a city, county, or city and county for placement of parole violators and other state inmates in local facilities.

This bill would revise the method by which the annual reimbursement rate for those contracts would be calculated.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 2910.5 of the Penal Code is amended to  
2     read:  
3     2910.5. (a) Pursuant to Section 2910, the Secretary of the  
4     Department of Corrections and Rehabilitation may enter into a  
5     long-term agreement not to exceed 20 years with a city, county,  
6     or city and county to place parole violators and other state  
7     inmates in a facility which is specially designed and built for the

1 incarceration of parole violators and specified state prison  
2 inmates.

3 (b) The agreement shall provide that persons providing  
4 security at the facilities shall be peace officers as defined in  
5 Sections 830.1 and 830.55 who have satisfactorily met the  
6 minimum selection and training standards prescribed by the  
7 Corrections Standards Authority for local correctional personnel  
8 established under Section 6035.

9 (c) A parole violator or other inmate may be confined in a  
10 facility established under this section.

11 (1) If convicted within the last 10 years of a violent felony, as  
12 defined in subdivision (c) of Section 667.5, or convicted of a  
13 crime, as defined in Sections 207, 210.5, 214, 217.1, or 220, or if  
14 that person has a history of escape or attempted escape, the  
15 Department of Corrections and Rehabilitation, prior to placing  
16 the parole violator or inmate in the facility, shall review each  
17 individual case to make certain that this placement is in keeping  
18 with the need to protect society.

19 (2) No inmate or parole violator who has received a sentence  
20 of life imprisonment within the past 20 years shall be eligible.

21 (3) The superintendent of the facility also shall review each  
22 individual case where the inmate or parolee has been convicted  
23 within the last 10 years of a crime specified in this subdivision  
24 and shall ascertain whether this is an appropriate placement. The  
25 superintendent shall reject those whom he or she determines are  
26 inappropriate due to their propensity for violence or escape and  
27 shall submit written findings for the rejection to the Department  
28 of Corrections and Rehabilitation.

29 (4) No parole violator who receives a revocation sentence  
30 greater than 12 months shall be confined in a facility established  
31 under this section.

32 (5) The Department of Corrections and Rehabilitation shall  
33 establish additional guidelines as to inmates eligible for the  
34 facilities.

35 (d) (1) The department shall annually establish a  
36 new reimbursement rate for each city, county, or city and  
37 county owned facility, which consists of the prior year's base  
38 reimbursement rate plus any amount that is at least the greater of  
39 either of the following:

1 (A) The percentage change in the budget of the Division of  
2 Adult Institutions.

3 (B) The percentage change in the annual appropriations limit  
4 of the local government calculated pursuant to Section 1 of  
5 Article XIII B of the California Constitution.

6 (2) The department shall also negotiate a rate of  
7 reimbursement for additional costs incurred by a local  
8 government pursuant to an agreement under this section for the  
9 costs of complying with new or additional mandates and  
10 conditions imposed by the department, including operations,  
11 programs, and personnel.

12 (3) *For purposes of this section, “base reimbursement rate”*  
13 *means the daily reimbursement rate for inmates to be housed at a*  
14 *facility, which costs include personnel, housing, and operational*  
15 *expenses.*

16 (e) Facilities operated by the county shall be under the  
17 supervision of the sheriff. Facilities operated by the city shall be  
18 under the supervision of a chief of police or a facility  
19 superintendent who shall have at least five years similar  
20 experience.

21 (f) Cities or counties contracting with the Department of  
22 Corrections and Rehabilitation for a facility pursuant to this  
23 section shall be responsible for managing and maintaining the  
24 security of the facility pursuant to the regulations and direction of  
25 the secretary of the department. No city or county may contract  
26 with any private provider to manage, operate, or maintain the  
27 security of the facility.